

Message Text

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PAGE 01 KATHMA 01818 031319Z
ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
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FM AMEMBASSY KATHMANDU
TO SECSTATE WASHDC 0000
INFO AMEMBASSY NEW DELHI
AMCONSLU CALCUTTA

C O N F I D E N T I A L KATHMANDU 1818

E.O. 11652 GDS
TAGS: SHUM, PINT, PINS, PFOR, IN, NP
SUBJ: B.P. KOIRALA UPDATE

REF: KATHMANDU 1814, NEW DELHI 6070

1. ACCORDING TO RELIABLESOURCES JANATA PARTY PRESIDENT CHANDRA SHEKAR MET WITH KING BIRENDRA APRIL 28 TO DISCUSS CASE OF B.P. KOIRALA AND TO PLEAD FOR HIS RELEASE. KING REPORTEDLY GAVE SHEKAR ASSURANCES THAT KOIRALA WAS BEING WELL TREATED AND THAT HE WOULD BE TRIED WITH "FULL PROTECTION OF THE LAW". KING, HOWEVER, DENIED INDIAN MPS REQUEST TO MEET WITH KOIRALA AND POLITELY INFORMED HIM THAT MATTER WAS "INTERNAL NEPLESE AFFAIR."

2. LAWYERS FOR B.P. LAST WEEK FILED REQUEST FOR HABEAS CORPUS, ARGUING THAT GOVERNMENT HAD FAILED TO BRING FORMAL CHARGES FOLLOWING KOIRALA'S ARREST IN EARLY JANUARY. FOLLOWING SUPREME COURT DECISION TO HEAR PLEA, KOIRALA WAS FORMALLY RELEASED FROM ARMY CUSTODY AND TURNED OVER TO POLICE, A TACIT ADMISSION BY GOVERNMENT THAT HIS DETENTION UNDER STATE OFFENSES ACT MAY HAVE BEEN FAULTY, LACKING A FORMAL INDICTMENT. SUPREME COURT HAS AGREE TO HEAR HABEAS CORPUS PLEA
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PAGE 02 KATHMA 01818 031319Z

MAY 5 AT WHICH TIME GOVERNMENT IS EXPECTED TO ARGUE SUCCESSFULLY THAT KOIRAL IS UNDER INVESTIGATION FOR EIGHT COUNTS UNDER THE TREASON ACT OF 1961. EFFECT OF COURT HEARING MAY BE TO SUSPEND PREVENTIVE DETENTION AND FORCE GOVERNMENT TO BRING FORMAL CHARGES AGAINST KOIRALA. KOIRALA IS EXPECTED TO APPEAR IN COURT AND ALTHOUGH SESSION MAY LEGALLY BE HELD IN CAMERA IT WILL BE FIRST

TIME KOIRALA HAS BEEN RELEASED FROM DETENTION IN SUNDERJAL PRISON.

3. WE UNDERSTAND THAT ARREST OF RISHIKESH SHAH (REFTEL A) WAS DIRECT RESULT OF HIS EFFORTS TO ACT AS UNOFFICIAL LEGAL ADVISOR TO KOIRALA AND THAT IT WAS SHAH WHO SUGGESTED IDEA OF FILING WRIT FOR HABEAS CORPUS. WE ALSO TEND TO BELIEVE THAT SHAH'S ARREST WAS EFFORT BY GOVERNMENT TO Dampen WIDE-SPREAD PUBLIC SPECULATION THAT COURT WOULD ACT POSITIVELY IN KOIRALA'S PLEA AND ORDER HIS RELEASE. BASED ON WHAT WE KNOW OF KING'S CONVERSATION WITH SHEKAR IT APPEARS THAT THAT IS A VERY SLIM POSSIBILITY, INDEED, AND THAT KOIRALA WILL BE FORCED TO STAND TRIAL IN NEAR FUTURE UNDER TREASON ACT.
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